

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA : **Criminal No.** _____

v. : **Date Filed:** _____

JOSE ORTIZ-VEGA : **Violations:**

: **21 U.S.C. § 841(a)(1)**
(Distribution of cocaine base (“crack”)

: **- 2 counts)**

: **21 U.S.C. § 841(a)(1)**

: (Possession with intent to distribute in

excess of 50 grams of cocaine base

: (“crack”) - 1 count)

: **21 U.S.C. § 860**

: (Distribution/ possession with the intent

to distribute cocaine base (“crack”) near

: a school - 3 counts)

: **21 U.S.C. § 841(a)(1)**

: (Possession with intent to distribute in

excess of 500 grams of cocaine - 1 count)

: **21 U.S.C. § 841(a)(1)**

(Possession with intent to distribute

: marijuana - 1 count)

: **18 U.S.C. § 924(c)(1)**

: (Possession of firearm in furtherance of a

drug trafficking crime - 1 count)

: **21 U.S.C. § 853**

: **18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c)**

: (Notice of forfeiture)

INDICTMENT

COUNT ONE

THE GRAND JURY CHARGES THAT:

On or about November 25, 2003, at Reading, in the Eastern District of Pennsylvania,
defendant

JOSE ORTIZ-VEGA

knowingly and intentionally distributed in excess of 5 grams, that is approximately 28 grams, of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B)

COUNT TWO

THE GRAND JURY FURTHER CHARGES THAT:

On or about November 25, 2003, at Reading, in the Eastern District of Pennsylvania,
defendant

JOSE ORTIZ-VEGA

knowingly and intentionally distributed in excess of 5 grams, that is approximately 28 grams, of
a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule II
controlled substance, within 1,000 feet of the real property comprising the 10th and Green
Elementary School, a public elementary school, located at 400 North 10th Street, Reading, in
violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

In violation of Title 21, United States Code, Section 860(a).

COUNT THREE

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 4, 2003, at Reading, in the Eastern District of Pennsylvania,
defendant

JOSE ORTIZ-VEGA

knowingly and intentionally distributed in excess of 50 grams, that is approximately 54.5 grams,
of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule
II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A)

COUNT FOUR

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 4, 2003, at Reading, in the Eastern District of Pennsylvania,
defendant

JOSE ORTIZ-VEGA

knowingly and intentionally distributed in excess of 50 grams, that is approximately 54.5 grams,
of a mixture or substance containing a detectable amount of cocaine base (“crack”), a Schedule
II controlled substance, within 1,000 feet of the real property comprising the 10th and Green
Elementary School, a public elementary school, located at 400 North 10th Street, Reading, in
violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

In violation of Title 21, United States Code, Section 860(a).

COUNT FIVE

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 10, 2003, at Reading, in the Eastern District of Pennsylvania,
defendant

JOSE ORTIZ-VEGA

knowingly and intentionally possessed with intent to distribute in excess of 50 grams, that is
approximately 54.5 grams, of a mixture or substance containing a detectable amount of cocaine
base (“crack”), a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A)

COUNT SIX

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 10, 2003, at Reading, in the Eastern District of Pennsylvania,
defendant

JOSE ORTIZ-VEGA

knowingly and intentionally possessed with intent to distribute in excess of 50 grams, that is approximately 54.5 grams, of a mixture or substance containing a detectable amount of cocaine base ("crack"), a Schedule II controlled substance, within 1,000 feet of the real property comprising the 10th and Green Elementary School, a public elementary school, located at 400 North 10th Street, Reading, in violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(A).

In violation of Title 21, United States Code, Section 860(a).

COUNT SEVEN

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 10, 2003, at Reading, in the Eastern District of Pennsylvania,
defendant

JOSE ORTIZ-VEGA

knowingly and intentionally possessed with intent to distribute in excess of 500 grams, that is
approximately 1,006 grams, of a mixture or substance containing a detectable amount of cocaine,
a Schedule II controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(B).

COUNT EIGHT

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 10, 2003, at Reading, in the Eastern District of Pennsylvania,
defendant

JOSE ORTIZ-VEGA

knowingly and intentionally possessed with intent to distribute a mixture or substance containing
a detectable amount of marijuana, a Schedule I controlled substance.

In violation of Title 21, United States Code, Sections 841(a)(1) and (b)(1)(D).

COUNT NINE

THE GRAND JURY FURTHER CHARGES THAT:

On or about December 10, 2003, at Reading, in the Eastern District of Pennsylvania,
defendant

JOSE ORTIZ- VEGA

knowingly possessed a firearm, that is, a .22 caliber, Sentinel revolver, serial number R-101999391, loaded with two rounds of ammunition and a .32 caliber, U.S. revolver, serial number 46181, loaded with five rounds of ammunition, in furtherance of a drug trafficking offense for which he may be prosecuted in a court of the United States, that is possession with the intent to distribute cocaine, and possession with the intent to distribute marijuana, in violation of Title 21, United States Code, Section 841(a)(1).

In violation of Title 18, United States Code, Section 924(c)(1).

NOTICE OF FORFEITURE

1. As a result of the violations of Title 21, United States Code, Sections 841(a)(1) and 860(a), charged in this Indictment, defendant JOSE ORTIZ-VEGA shall forfeit to the United States of America:

a. any property which constitutes or is derived from any proceeds obtained directly or indirectly by him as a result of the violations of Title 21, United States Code, as charged in this Indictment; and

b. any property which was used or intended to be used, in any manner or part,
to commit or to facilitate the commission of the violations of Title 21, United States Code, as charged in this Indictment.

SUBSTITUTE ASSETS

2. If any of the property described above as being subject to forfeiture, as a result of any act or omission of defendant JOSE ORTIZ-VEGA

- (1) cannot be located upon the exercise of due diligence;
- (2) has been transferred or sold to, or deposited with, a third party;
- (3) has been placed beyond the jurisdiction of the court;
- (4) has been substantially diminished in value; or
- (5) has been commingled with other property which cannot be divided without difficulty;

it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of said defendant up to the value of the above forfeitable

property.

All pursuant to Title 21, United States Code, Section 853.

3. As a result of the violation of Title 18, United States Code, Section 924(c)(1) set forth in this Indictment, the defendant JOSE ORTIZ-VEGA shall forfeit to the United States of America, pursuant to Title 18, United States Code, Section 924(d) and Title 28, United States Code, Section 2461(c), all firearms and ammunition involved in the commission of this offense, including, but not limited to:

(1) .22 cal. Sentinel Revolver, serial number R-101999391 and 2 rounds of ammunition; and

(2) .32 cal. U.S. Revolver, serial number #46181 and five rounds ammunition; and

(3) 20 gauge Topper model 158 shotgun, serial number AJ248966

All pursuant to Title 28, United States Code, Section 2461(c) and Title 18, United States Code, Section 924(d).

A TRUE BILL:

FOREPERSON

PATRICK L. MEEHAN
United States Attorney